



ORIGINAL

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Approved: CR  
 CHRISTOPHER D. BRUMWELL  
 Assistant United States Attorney

Before: THE HONORABLE KEVIN N. FOX  
 United States Magistrate Judge  
 Southern District of New York

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UNITED STATES OF AMERICA	: <u>SEALED COMPLAINT</u>
:	
- v. -	: Violations of 8 U.S.C.
	: §§ 1326(a) & (b) (2)
SERGIO POLANCO,	: COUNTY OF OFFENSE:
Defendant.	: Bronx
:	
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SOUTHERN DISTRICT OF NEW YORK, ss.:

Christian Sabatino, being duly sworn, deposes and says that he is a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement, and charges as follows:

COUNT ONE

1. From at least in or about November 2018, in the Southern District of New York and elsewhere, SERGIO POLANCO, the defendant, being an alien, unlawfully did enter, and was found in, the United States, after having been removed from the United States subsequent to a conviction for the commission of an aggravated felony, without having obtained the express consent of the Attorney General of the United States or his successor, the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) & (b) (2).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), assigned to the United States Marshals

Service Fugitive Task Force, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. From my review of the records maintained by ICE regarding SERGIO POLANCO, the defendant, I have learned, among other things, the following:

a. POLANCO is a native and citizen of the Dominican Republic. POLANCO is not and has never been a citizen of the United States.

b. On or about May 29, 1998, POLANCO was convicted in the New York County Supreme Court for Attempted Criminal Possession of a Controlled Substance in the Third Degree, in violation of New York State Penal Law § 220.16(1) (the "New York Conviction").

c. On or about February 4, 2014, POLANCO was removed from the United States pursuant to an Final Administrative Removal Order dated January 23, 2014.

4. Based on my review of correspondence from and conversation with another law enforcement agent ("Agent-1"), I have learned that:

a. On or about November 13, 2018, Agent-1 and other members of law enforcement photographed an individual in the Bronx, New York while conducting surveillance. The photograph taken is hereafter referred to as Photograph-1.

b. An analyst with the Pennsylvania Department of Corrections identified the individual depicted in Photograph-1 as SERGIO POLANCO, the defendant.

5. I have reviewed other photographs of SERGIO POLANCO, the defendant, from law enforcement records, and the individual depicted in those photographs appears to match the individual depicted in Photograph-1.

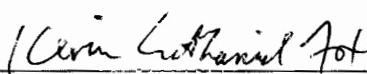
6. Based on my training and experience with ICE, I understand that the New York Conviction qualifies as an aggravated felony within the meaning of Title 8, United States Code, Section 1326(b) (2).

WHEREFORE the deponent requests that a warrant be issued for the arrest of SERGIO POLANCO, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



Christian Sabatino  
Deportation Officer  
Immigration and Customs Enforcement

Sworn to before me this  
28th day of November 2018



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THE HONORABLE KEVIN N. FOX  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK